

Appendix C

Interim Biological Renewal Biological Opinion Status Report

Updated Interim Status Report – November 2001

| Proposed Action/Conservation Measures | Responsibility | Due Date/ Time Period | Status/Remarks |
|---|----------------|-------------------------------------|--|
| 1. Reclamation will develop and implement programs with the 65 water districts (Districts) to ensure that land use changes associated with project water will be addressed pursuant to ESA. | FWS/USBR | | |
| a. Notify Districts regarding ESA requirements of the Interim Opinion | FWS/USBR | Done | 1a completed . Notice sent week of July 3, 2000 |
| b. Synthesize existing and new information on distribution and potential habitat of federally listed, proposed, and candidate species within the Districts. | FWS/USBR | Ongoing | 1bcd: Ongoing . Cooperative GIS teams from both agencies working on Central Valley Habitat Monitoring Workplan. 1993 habitat data is available and 2000 data is being synthesized. |
| c. Map (hard copy and digitized) habitat and potential distribution of listed, proposed, and candidate species, and provide information to the Districts, the Service and the California Department of Fish and Game. | FWS/USBR | Ongoing | c. Ongoing . Both agencies are working together to synthesize the data and finalize habitat maps . |
| d. Monitor land use changes and ongoing activities in the Districts to ensure that project water is not used in a manner that adversely affects listed, proposed, and candidate species. | FWS/USBR | Ongoing | d. Ongoing |
| 2. Reclamation will ensure that its operation and maintenance activities as well as activities of other associated with the use of CVP water within the Districts will not adversely affect listed, proposed and candidate species. | FWS/USBR | | |
| a. Work with the California Department of Pesticide Regulation to develop guidelines and information addressing the effects of the application of pesticides to listed, proposed, and candidate species. | FWS/USBR | Done | 2a. Completed . Memo to Service documenting the pesticide information related to candidate species that Reclamation contributed to CDPR. |
| b. Develop and distribute to the Districts and landowners guidance on construction and maintenance activities that are most beneficial to listed, proposed, and candidate species. | FWS/USBR | February 28, 2001 | 2b. Ongoing . Rough Draft of CCAO Field Operations Manual was submitted to the FWS for review, will incorporate comments received from FWS on the manual. Draft O&M manual was completed by the SCCAO and distributed to contractors. NCAO is just starting to draft their manual patterned after the SCCAO and CCAO manuals. |
| c. Review water conservation plans for the Districts prior to implementation to ensure they do not adversely affect listed, proposed or candidate species. | USBR | Within 3 months of contract renewal | 2c. Ongoing . Printed copies of the urban districts annual reports are available at each Area Office. |
| d. Amend the criteria for water conservation plans to ensure consistency with the ESA. 1) Status Report Update 2) Revise Criteria | USBR | 2002 | 2d. Pending . The criteria for water conservation plans is amended every 3 years, consistent with the CVPIA. The criteria was amended in 1999, so will not be amended again until 2002. Reclamation will informally consult with the Service by forming an interagency team that will ensure that the 2002 criteria is in compliance with the ESA. Reclamation will send a memo to the Service and NMFS requesting their participation on the team. |

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| 3. Reclamation, working with the Service, will implement critically needed action to assure the continued existence of listed and proposed species and their habitats that have been affected by the CVP. | FWS/USBR | ongoing | 3. Ongoing. CVP conservation program (CP) and b(1) other projects. |
| a. Identify lands that are critical to the continued survival of listed species and proposed species. | USBR | continue updating | 3a. Ongoing. Last update of high priority species provided to CP from FWS on 1/27/00. Historic trend analysis completed and mapping program discussed in 1bcd above to help identify and prioritize land for conservation easements or acquisition. |
| b. Implement critical needs plan. | FWS/USBR | Implementing | 3b. Ongoing |
| 4. Develop a long-term program to address overall effect of the CVP and implementation of the CVPIA. | FWS/USBR | Pursue adequate funding and partners | 4. Ongoing. CVP consultations, CVP conservation program and b(1) "other" projects/programs. |
| Reasonable and Prudent Measures | Responsibility | Due Date/Time Period | Status/Remarks |
| I. Develop and implement programs with the Districts in Appendix A of this opinion to ensure that land use activities associated with project water will be addressed pursuant to the ESA. | | | |
| A. Work with CDPR to develop guidelines that provide an update on work that has been completed on this measure. In addition, provide information to CDPR generated from mapping efforts described in Conservation Measure 1(c). | FWS/USBR | Done | A. Completed. Memo to Service describing Reclamation's contribution of ESA information to the CDPR. |
| II. Identify land and water use techniques or measures within CVP service areas which are critically impacting listed and proposed species or their habitats. | | | |
| A. Prepare a study plan to identify the sources of selenium contamination in the Grasslands, San Joaquin River, and south Delta estuary. | USBR | Continuing | A. Ongoing. This requirement is already handled through the existing Grassland Bypass Project (GBP) monitoring program. A USGS sources of selenium study for the GBP, funded by Reclamation, began in FY2000 and is not expected to be completed until the end of 2002, at the earliest. The Study had 3 phases: Joe McGahan has completed phase I and the raw data generated has been sent to USGS for analysis. The BA&BO Proposed Action for the continuation of the GBP through 2009 has commitments for supporting studies down-river of the project. |
| B. Develop and implement an approved monitoring program to assess the effects of selenium loading within the San Joaquin River on aquatic listed species or their surrogates using the lower San Joaquin River and southern Sacramento-San Joaquin Delta. | USBR | Continuing | B. Initiated and ongoing. Service biologists tested 14 split tail for Se, B and other contaminants. A report will be generated after the lab results are in. The BA/BO Proposed Action for the continuation of the GBP through 2009 has commitments for supporting Se studies and monitoring to assess the effects of selenium loading within the San Joaquin River on aquatic listed species or their surrogates. |
| C. Provide quarterly reports on locations of monitoring and monitoring results. If concentration exceeds 2 ug/l monthly mean standard for wetland water supplies in the Grasslands, and is a result either directly or indirectly from Reclamation actions, will identify and implement corrective actions and initiate separate formal consultation. | USBR | Continuing | C. See IIA - the reporting measure is handled with the existing GBP monitoring program and existing quarterly reports. Corrective actions were made in previous years and continue to be monitored through the GBP monitoring program, which includes Service biologists, who receive the monthly averages at the same time as Reclamation. All inlets from the Grasslands Project Area to the wetland channels have been plugged since April 21, 1998 and monthly selenium averages have only exceeded 2 ppb occasionally since then and the exceedences have been less than 1 ppb. Those exceedences are not directly or indirectly tied to Reclamation actions because Reclamation has aggressively prevented selenium drainage from entering the wetlands. |

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| III. Identify, analyze and compensate for past effects since 1991 for Friant and 1995 for Interim contractors. (Note: Friant is no longer an interim contractor) | | | |
| A. Identify and analyze the impacts of changes to contract service area boundaries since 1991 for any Friant contracts that have not undergone section 7 consultation. Fully compensate for any impacts associated with past water assignments of Interim or Friant Div. water allocations. | USBR | Prior to initiation of consultation (cons.) for ltr | A. Information and analysis ongoing. Information will be provided in BA's for Long-Term contract renewal (LTCR). All Friant contract service area boundary changes have been consulted on. |
| B. Identify and analyze the impacts of changes to contract service area boundaries since 1995 for interim contractors and provide this information and associated GIS data layers. Fully compensate for any impacts associated with past changes to contract service area boundaries for interim contracts. | USBR | Prior to ltr or next interim period | B. Information and analysis ongoing. Draft maps for interim contract service areas were provide to FWS in May showing boundaries changes since '95 and acreage changes by district. Information will be provided in BA's for Long-Term contract renewal |
| C. Identify and analyze the impacts of changes in purpose of use since 1991 for Friant contractors and 1995 for Interim contractors and provide this information and analysis. Provide an analysis on how changes in purpose of use will affect shortages to districts, and how these changes in allocations will affect CVP-wide water supplies under drought conditions | USBR | Prior to ltr or an additional interim period. | C. No Change. The 1995 Interim contract renewal consultation included change of purpose of use from ag to M&I. In general the ag shortage provisions remain even if purpose of use converted to M&I, so these changes in allocations will not affect CVP-wide supplies under drought conditions. |
| D. Identify and analyze the impacts of all water assignments executed since 1991 for Friant contractors and 1995 for interim contractors and provide this information. Fully compensate for any impacts associated with past water assignments of Interim or Friant Division water allocations. | USBR | Prior to ltr or an additional interim period. | D. Information and analysis ongoing. There has only been one assignment since 1995 (Mercy Springs) resulting in changes in water use. All other assignments were simple name change actions, usually as a result of deaths in a family. |
| IV. Consult on future actions including changes in purpose of use of contracts, transfers involving interim for Friant Div. contractors, assignments, and inclusions, annexations and exclusions to contract service area boundaries. | USBR | Due Date Not Applicable | IV. Will occur when applicable |
| A. Consult on future changes in water contracts from agriculture only to agriculture/M&I purposes. | USBR | | A. Will occur when applicable |
| B. Provide an analysis of how future changes in purpose of use will affect shortages to districts and how these change in allocations will affect CVP-wide water supplies under drought conditions. | USBR | | B. No Change. June 9, 1997 joint letter on CVPIA administrative proposal on urban water supply reliability stated that ag shortage provisions remain even if converted to M&I. M&I water in the districts up for renewal that are granted M&I priority has not changed since the OCAP consultation (1992). |
| C. No execution of future changes in purpose of use unless it can be shown that such changes will not reduce under drought condition water supplies for proposed or listed species. | USBR | | C. See B above. |
| D. Informal consultation for assignments of interim and Friant Divisions that may affect listed species. Consult formally for those contracts or actions with direct or indirect effects that are likely to adversely affect listed species, or result in take. Consult informally if an action will not affect listed species prior to signing of the FONSI or ROD | USBR | | D. Will occur when applicable |

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| E. Informal consultation for inclusions or annexations involving the interim and Friant contractors in this opinion that may affect listed species. Formally consult for those inclusions with direct or indirect effects that are likely to adversely affect listed species, or result in take. Informal consultation will determine if the inclusions or annexations will not affect listed species prior to signing of the FONSI or ROD. | USBR | | E. Will occur when applicable |
| F. Apply specific criteria to all transfers involving interim or Friant Divisions contracts that have not already under gone section 7 consultation. | USBR | | F. Will occur when applicable. Note: the correct language for this provision is on page 2-10, not this language. |
| V. Develop and implement a program to compensate for losses of listed species habitat that occur as a result of delivery of CVP water to the Interim & Frait Div. Contract service area. | USBR | | V. Pending. Mitigation plan for impacts directly related to discretionary Reclamation actions. |
| A. Establish a contingency plan that would develop and implement a process to identify impacts and then address those impacts to listed species or their habitats within the interim and Friant Division's contract service area that occur as a result delivering CVP water to contractors. | USBR/CONTR | | A. Pending. SCCAO has developed a draft compensation plan for the Friant contractors in which incentives are used to reduce the amount of land converted and compensation will take the form of fee title acquisition, conservation easements, land retirement, and enhancement of existing preserved lands. The Friant plan will be the prototype for other district plans, though each will be unique for that district. |
| B. Ensure implementation of the contingency plan to address impacts to species or their habitats within the interim and Friant Division's contract service area that occur without a FWS incidental take authorization. | USBR/CONTR | | B. Once the contingency plans are finalized, steps will be made to ensure they are implemented at each of the Area Offices and that all contractors are made aware of their responsibilities under the plans. |
| C. The contingency plan for impacts to listed species or their habitat will be reviewed in a section 7 consultation with the FWS and will incorporate compensation for temporal and other habitat losses. Losses of listed species habitat within the interim and Friant contract service areas will be compensated at ratios consistent with the recovery needs for those listed species. | USBR/FWS | | C. The contingency plans will be coordinated with the FWS and the appropriate (formal or informal) section 7 consultation will occur after finalization. |